



PASCO COUNTY, FLORIDA

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In the matter of REQUEST FOR REVIEW by Zephyrhills Public Library of the Decision of the Universal Service Administrator

CC Docket No. 02-6

E-Rate Appeal Filed Electronically via the FCC ECFS System

November 10, 2014

Marlene H. Dortch, Secretary
Federal Communications Commission
Office of the Secretary
445 12th Street SW
Washington, DC 20554

RE: Request for Review of the Administrator's Decision on Appeal
Form 471 Application No. 948909 FRN 2582125

Re: Applicant: Zephyrhills Public Library
BEN: 127775
Form 471 Application No. 948909
Funding Request No. 2582125
Funding Year 2014-2015

To Whom It May Concern:

This is an appeal of the denial of the Administrator's Decision on Appeal- Funding Year 2014-2015 dated September 11, 2014 in connection with FRN 2582125 on FCC Form 471 Application Number 948909. A copy of the Administrator's Decision on Appeal is attached hereto as Exhibit B. Exhibit A serves as the

basis for the USAC appeal. It has always been the desire of the Zephyrhills Public Library to comply with all FCC, state, and local procurement/competitive bidding requirements. Zephyrhills Public Library believes that the original appeal dated July 21, 2014 for FRN 2582125 demonstrated compliance with all FCC, state, and local procurement/competitive bidding requirements. If the FCC does not believe this after reviewing this appeal Zephyrhills Public Library respectfully requests the FCC to waive their competitive bidding rules in favor of a more effective implementation of overall policy on an individual basis.

Text Being Requested for Review:

"You are relying on a voluntary contract extension, but the original contract that was submitted to USAC during the initial review process did not include a provision for voluntary contract extensions. Therefore, the extended contract does not meet E-rate requirements and cannot be used to support the funding request as a result the funding request is not supported by a contract that is in force for the Funding Year. The documentation that you have provided on appeal does not overturn the original USAC determination that a voluntary contract extension violation has been performed on the above funding request."

Appeal Review Request:

USAC based the denial on not following the E-rate requirements as to the disclosure of the intent to use voluntary extended contracts. This is simply not true. For contracts signed pursuant to FCC Forms 470 posted for funding years beginning with the FY2011, an applicant can sign a multi-year contract or contract with voluntary extensions without indicating this intent on the Form. See Exhibit C containing USAC's own guidelines for contracts. Accordingly, FCC form 470 for Funding Year 2011 removed former Block 2, Item 13 which previously required information regarding the voluntary extension to be provided on the FCC Form 470. The subject contract was entered into in March of 2011 (See Exhibit A.2.) and included services to Zephyrhills Public Library, a part of the Pasco County Library System. See Exhibit A.3. The subject contract has been voluntarily extended. See Exhibits A.3. and A.4.

Further, we request that the FCC consider prior Order of the FCC in which a version of the FCC Form 470 did not require disclosure as to whether a contract with a term of more than one year would be sought. See Exhibit D. Similarly to that matter, FCC Form 470 for the funding year in question, did not provide for the opportunity for the Pasco County Library System to disclose its intent to voluntarily extend the contract with its service provider.

Attached Documents which Support the Request for Review:

Exhibit A - Pasco County Library System Response to USAC with supporting documentation:

- A.1. WAN Bid IFB-KB-11-040
- A.2. Award IFB-KB-11-040
- A.3. Original BHN Agreement
- A.4. Third Modification to BHN Agreement
- A.5. Fourth Modification to BHN Agreement

Exhibit B – USAC Administrator's Decision on Appeal

Exhibit C – USAC Schools and Libraries Program/Applicants/Step three: Selecting Service Providers/ Contracts/ Multi-Year Contracts or Contracts with Voluntary Extensions Requirements

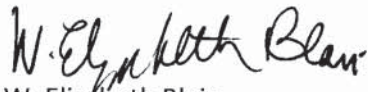
Exhibit D – In the Matter of Achieve Telecom Network of MA, LLC, et al.; FCC ORDER SLD-548906

The Pasco County Library System believes that it has strictly complied with the requirements of FCC Form 470 for FY2011. We believe that no FCC rules were violated in the bidding process for this FRN and that good cause exists to rescind the Administrator's denial on appeal. Should the Commission not agree that the Pasco County Library System has strictly complied with the rules, , it is respectfully requested that the Commission use its discretion to waive a rule where the particular facts make strict compliance inconsistent with the public interest and remand the underlying application to the USAC for approval.

Thank you for your time and consideration. Please contact our E-rate coordinator, Rick Trader, if you have any questions concerning this appeal or require additional information. His contact information is as follow:

Rick Trader
Accountant II
Pasco County Library System
8012 Library Road
Hudson, Florida 34667
(727) 861-3020
rickt@pascolibraries.org

Sincerely,

A handwritten signature in black ink that reads "W. Elizabeth Blair". The signature is written in a cursive, flowing style.

W. Elizabeth Blair
Senior Assistant County Attorney
Pasco County